OIPE CHANGE A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:
Application No.:

Kathleen M. Miller et al.

Date Filed:

10/071,840 02/08/2002

Title:

IMPLANTABLE OR INSERTABLE MEDICAL DEVICES RESISTANT TO

MICROBIAL GROWTH AND BIOFILM FORMATION

## INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop DD Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I.	COPIE				
	a. 🔀	A legible copy of (i) each which caused it to be listed to be listed, is included he	th U.S. and foreign patents; (ii) eaced; and (iii) all other information or erewith.	th publication or that portion that portion which caused it	
	b. 🗌	Any patents, publications not enclosed herewith w	s or other information which are list ere previously cited by or submitte thich has been relied upon for an	ed to the DTO in one of the	
		U.S. Serial Number		U.S. Filing Date	
II.	CONCI	SE EXPLANATION OF T	HE RELEVANCE (check at least of	ma haw)	
	a. 🛛	Except as may be indicate	ed below in (b) of this section all o	f the natenta mublications and	
	b. 🔲	A concise explanation of	ne English language (concise explant the relevance of all patents, mubli-	lation not required)	
		maken make is not in the Fu	gush language is as follows:		
	с. 🗌	The following additional	information is provided for the Exar	niner's consideration:	
шт. 🗆	_				
	Serial N	<u>o,</u>	Filing Date	Art Unit	

## **FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)

'Docket: 98-PO151

	a. 🗌	within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
	b. 🗌	within three months of the date of entry of the national stage as set forth in 8 1 401 in on
	c.🛛	international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required. before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No
	d. 🗌	fee or statement is required. before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
V. 🗀	Allowa	DS IS BEING FILED UNDER 37 C.F.R. §1.97(c): (check one box) the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of nee under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the tion (See 37 C.F.R. §1.97(c)).  No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
	ъ. 🔲	See the statement below. No fee is required.
VI.	THIS II on or be 1) 2)	OS IS BEING FILED UNDER 37 C.F.R. §1.97(d):  efore payment of the issue fee and is accompanied by the following:  a statement under 37 C.F.R. §1.97(e) as provided below; and  charge deposit account 50-1047 the petition fee set forth in §1.17(p).
VII. 🛛	STATE	MENT UNDER 37 C.F.R. §1.97(e) (check only one box, if applicable)
	a.	dersigned hereby states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
	b	no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
	c.	some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
VIII.	PAYMI	ENT OF FEES
		A check in the amount of is enclosed for the above-identified fee(s).  Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
	$\boxtimes$	If Applicant has overlooked any additional fees, or if any overpayment has been made
		the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.  Two Copies of this paper are attached for Deposit Account charges and debits.
mvenuo	u mom e	oplicant(s)' opinion that the claims presently on file patently distinguish the present each of these references. The above references are being cited only in the interests of out any admission that they constitute statutory prior art or contain matter which anticipates

Docket: 98-PO151

the inventi n or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,

David B. Bonham

Attorney for Applicant(s)

Reg. No. 34,297 Tel. 703-433-0510 Fax: 703-433-2362

MAYER FORTKORT & WILLIAMS
Customer Number 27774

**Enclosures:** 

✓ PTO/SB/08✓ References

Foreign Search Report

Other:

Certificate of Mailing by First Class Mail

I certify	that this	document	and fee is	being	deposited
-----------	-----------	----------	------------	-------	-----------

9/5/03 with the U.S. Postal Service as first class mail

under 37 C.F.R. 1.8 and is addressed to Mail Stop DD, Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Marjorie Scariati

Typed or Printed Name of Person Mailing Certificate

OIPE	က်စွဲocket No.:	98-PO1
	<b>\$</b> \	

SEP 0 9 7003 w | Please tyte a plus sign (+) inside this box. FORM PTC/SB/08

	form 1449A/PTO	_	·	Complete if Enown		
ADEPARK!				Application Number	10/071,840	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	02/8/2002	
				First Named Inventor	Kathleen M. Miller et al.	
1				Group Art Unit	3738	
(use as many sheets as necessary)				Examiner Name	Unassigned	
Sheet	1	αf	1	Attorney Docket Number	98-PO151	

Examiner Initials®	Cite No. 1	U.S. Patent Document Number Class/Subclass		Name of Patentee or Applicant	Date of Publication of Cited Document MM- DD-YYYY	
				of Cited Document		
	1.	2001/0010016 A1	623/1.42	Modak et al.	07/26/2001	
	2.	6,224,579 B1	604/265	Modak et al.	05/01/2001	
	<u> </u>	<del> </del>			RECEIVED	
					SEP 1 0 2003	
			<del> </del>		TECHNOLOG ZU03	
					TECHNOLOGY CENTER R2700	
	ļ					
					<u> </u>	
				1		

Examiner Initials*	Cite	e Foreign Patent Document			Name of Patentee or	Date of Publication of Cited Document	T
	Initials*	No.	Office <sup>3</sup>	Number	Class/Subclass	Applicant of Cited Document	MM-DD-YYYY
	1.	EP	0 328 421 A2	A61 L 29/00	Trustees of Columbia University in the City of New York	08/16/1989	
	2.	EP	0 379 271 A2	A61L 29/00	Becton Dickinson and Company	07/25/1990	
	3.	WO	01/21229 A1	A61L 31/16	Clarence C. Lee	03/29/2001	
	4.	WO	93/10847	A61M 25/00	North Shore University Hospital Research Corporation	06/10/1993	
		<u> </u>					
	l						
		1					

Examiner	Date	
Signature	Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WiPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must procede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WiPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.